

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :
 : 3:10-CR-187
 :
 v. :
 : (JUDGE MANNION)
 DAVION DAVIS, :
 :
 Defendant :
 :

ORDER

For the reasons set forth in the Memorandum of this date, **IT IS**
HEREBY ORDERED THAT:

1. Davis's Emergency Motion for Compassionate Release because of the COVID-19 pandemic, **(Doc. 52)**, is **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction due to his failure to exhaust his BOP administrative remedies under §3582(c)(1)(A)(i).
2. Insofar as Davis is challenging any decision by the BOP that he is not eligible for home confinement designation under the CARES Act, his motion is **DISMISSED** since the authority to make this determination lies with the BOP Director and not the court.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Dated: August 6, 2020

10-187-01-ORDER